IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

MACA.No. 94 of 2007()

OPMV.698/1998 of ADDL. MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD
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APPELLANT/3RD RESPONDENT

UNITED INDIA INSURANCE CO. LTD.,
MAIN ROAD, NEMMARA P.O.,
CHITTUR TALUK.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS: PETITIONER & RESPONDENTS 1 & 2
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1. ELSY JACOB, W/O. JOSEPH,
PUTHUPARAMBIL VEEDU, VALATHALA,
N.S.S. COLLEGE P.O., NEMMARA VILLAGE,
CHITTUR TALUK.

2. JINA KOCHU, D/O. LATE JACOB,
ANUGRAHA, OLLUKKARA, P.O.KALATHODU,
TRICHUR DISTRICT.

3. JIJI JACOB, S/O. LATE JACOB,
ANUGRAHA, OLLUKKARA P.O.,
KALATHODU, TRICHUR DISTRICT.

4. C.MOHANAN, S/O. CHAMUNNY,
9 ABDUL ASEES STREET, MADRAS-17.

5. N.DEVADASAN, S/O. NARAYANAN,
KARTHEDATHU VEEDU, CHITTILENCHERRY P.O.,
CHITTUR TALUK.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN J.J

M.A.C.A. No.94 OF 2007

Dated this the 22nd day of January 2007

JUDGMENT

Krishnan.J

This appeal is preferred against the award of the Motor Accidents Claims Tribunal Palakkad in O.P (MV) No.698/98. The claimants are the mother and Sister of the deceased who died in the road accident. The deceased was aged 27 years at the time of the accident and the age of the mother was 54. The Tribunal fixed the income at Rs. 2,000/- applied a multiplier of 17 and awarded a compensation of Rs.3,03,500/- . It is against that decision the Insurance Company has come up in appeal. Heard the learned counsel. It is true that in the case of the death of unmarried son the age of the dependent mother is to be taken into consideration. Therefore the Tribunal was not correct in applying the multiplier taking into consideration the age of the deceased. But it has to be seen that in this case the deceased was an employee in the sales counter of the Popular Automobiles was having a monthly income of 4,000/-. Ext.A8 certificate would show that he was employed during the period from 1992 to 1998 and the Managing Partner of the firm was examined as PW2 to prove Ext. A8. In spite of the same the Tribunal did not accept it and took up only Rs.2000/- as the income. This is not proper. Even if the multiplier is to be

reduced, since the income taken also is very low, we find that the compensation awarded for loss of dependency is just and reasonable. We make it clear that this decision is arrived at on the basis that the income is taken on the lower side and the multiplier is higher side. On all grounds the Tribunal has only awarded just and reasonable compensation. Therefore the appeal lacks merit and is dismissed.

K.S.RADHAKRISHNAN,JUDGE

M.N.KRISHNAN JUDGE

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